

REMARKS

Claims 1 to 24 were pending in the application at the time of examination. Claims 20 to 23 stand rejected under 35 U.S.C. 101. Claims 1 to 6, 8 to 16, 18 to 21 and 24 stand rejected as anticipated. Claims 7, 17, 22 and 23 stand rejected as obvious.

With respect to the entry of the Information Disclosure Statement filed on 10/1/2003, the Examiner stated in part:

. . . It has been placed in the application file, but the information referred to therein has not been considered. Referring to the International Search Report does not qualify as a concise explanation of the relevance.

Applicants note that the Examiner failed to cite any authority to support the Examiner's conclusion. Applicants point out that Applicants did not refer to an International Search Report, but instead in the Information Disclosure Statement stated:

Enclosed as Exhibit A is a copy of European Search Report EP 00 10 0211 for the related foreign application upon which the instant U.S. application claims priority. Applicant's attorney does not have a translation of Reference No. 1 in "Other References", which is cited in Exhibit A. The relevance of Reference No. 1, as known to Applicants' attorney, is given in the European Search Report.

Thus, contrary to the Examiner's rejection, the report referenced was not an International Search Report, but rather a European Search Report.

In addition, the MPEP directs:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign

application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. (Emphasis added.)

MPEP § 609 A(3), Eighth Ed., Rev. 2, p. 609-129 (May 2004).

Thus, contrary to the Examiner's conclusion, the MPEP expressly stated that "the requirement for a concise explanation of the relevance **can be satisfied** by submitting an English-language version of the search report." Applicants expressly called out that search report was for a counterpart foreign application and provided an English-version of the search report. Accordingly, Applicants met the requirements as set forth in the MPEP and so the Examiner should have considered the Information Disclosure Statement. Thus, the Examiner is respectfully requested to enter the Information Disclosure Statement in its entirety. If the Examiner continues to refuse to consider the Information Disclosure Statement, the Examiner is respectfully requested to cite the sections of the MPEP that support the Examiner's position, and explain why the above quoted MPEP section does not apply.

The Examiner required Applicants "to update the serial numbers and status of **ALL** related applications" in the specification. Applicants have amended the specification as required by the Examiner. In addition, Applicants have amended the specification to correct typographical and grammatical errors.

The Examiner objected to Claim 6. Claim 6 has been canceled and so the objection is rendered moot.

Applicants have amended Claim 1 to include the limitations of Claim 2 and have canceled Claim 2. This amendment more clearly defines one aspect of the invention by combining the two claims and by clarifying "in a different way" in view of

the teaching of the specification so as to avoid discussing whether the Examiner was being asked to read limitations from the specification into the claims.

Applicants have amended Claim 3 to include the limitations of Claims 1 and 4, and have canceled Claim 4. This amendment more clearly defines one aspect of the invention by combining the claims.

Claim 5 is amended to correct an informality created by the cancellation of Claim 4 and to correct antecedent basis informalities.

Applicants have amended Claim 8 to include the limitations of Claim 1. This amendment more clearly defines one aspect of the invention by combining the two claims.

Applicants have amended Claim 10 to include the limitations of Claim 11 and have canceled Claim 11. This amendment more clearly defines one aspect of the invention by combining the two claims and by clarifying "in a different way" in view of the teaching of the specification so as to avoid discussing whether the Examiner was being asked to read limitations from the specification into the claims.

Claim 12 is canceled.

Applicants have amended Claim 13 to include the limitations of Claim 14, and have canceled Claim 14. This amendment more clearly defines one aspect of the invention by combining the claims.

Claim 15 is amended to correct an informality created by the cancellation of Claim 14 and informalities created by the amendment of Claim 13.

Applicants have amended Claim 18 to include the limitations of Claim 13 to more clearly define one aspect of the invention by combining the claims.

Claim 24 is amended to correct grammatical informalities.

Claims 20 to 23 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. While

Applicants respectfully disagree with this rejection, Applicants have amended the claims to move the prosecution forward. The amendments to Claim 20 further define the filter server and are supported at least by Fig. 2. Thus, Claim 20 recites a memory configured to store particular subject matter and a novel server coupled to that memory, which is a statutory combination. Similarly, Claim 21 recites a processor and a memory having computer instructions stored therein which reconfigure the structure for the method of Claim 3, which also is a statutory combination. Applicants respectfully request reconsideration and withdrawal of the § 101 rejection of each of Claims 20 to 23.

Claims 1 to 6, 8 to 16, 18 to 21, and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,012,098, hereinafter referred to as Bayeh. As discussed more completely below, Applicants respectfully traverse each of the anticipation rejections.

With respect to the anticipation rejection of Claim 2, the Examiner stated in part:

. . . Bayeh teaches the filter renders source data differently (col. 4, ll. 37-42).

At Col. 4, lines 37 to 42, Bayeh taught:

Preferably, the first data stream is formatted as an Extensible Markup Language (XML) data stream, the second data stream is formatted as a HyperText Markup Language (HTML) data stream, and the subprocess for formatting the parsed data uses a style sheet. As examples, the style sheet may be an Extensible Style Language (XSL) style sheet, or a Cascading Style Sheet (CSS).

This section of Bayeh fails to disclose or suggest:

processing a subset of the source data by said filter to produce said data

"in as complete detail as is contained in the claim," as required by MPEP § 2131, 8th Ed., Rev 2, at page 2100-73. Accordingly, Bayeh fails to anticipate Claim 1. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 1.

With respect to the anticipation rejection of Claim 3, the Examiner stated in part:

. . . Bayeh teaches the filter converts source data from a first format to a second format (col. 4, ll. 37-42).
. . . Bayeh teaches supporting different formats and selecting the second format (col. 8, ll. 55-57).

Col. 4, lines 37 to 42 were presented above. Col. 8, lines 55 to 57 of Bayeh taught:

Similarly, unique rendering servlets 85 might be created to format data according to different presentation requirements.

Again, these sections of Bayeh fail to teach or suggest:

determining data formats supported by said device wherein said data formats includes at least a second data format and a third data format;
selecting said second data format for a format of said data;

"in as complete detail as is contained in the claim," as required by MPEP § 2131, 8th Ed., Rev 2, at page 2100-73. In particular, these sections fail to teach determining that the device supports multiple data formats and then selecting a particular one of these formats. Accordingly, Bayeh fails to anticipate Claim 3. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 3.

Claim 5 depends from Claim 3 and so distinguishes over Bayeh for at least the same reasons as Claim 3. In addition, the cited section of Bayeh taught that multiple rendering

servlets of the same type were available so that when one was busy, another could be used. This teaches or suggests nothing concerning selecting one of a plurality of data formats supported on the device based upon the specific criterion recited in Claim 5. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 5.

With respect to the anticipation rejection of Claim 8, the Examiner stated in part:

. . . Bayeh teaches input to the filter is a XSL style-sheet that determines its functionality (col. 9, ll 4-6). As the filter is a servlet object, its input is passed through a parameter.

Assuming arguendo that the Examiner's characterization is correct, Bayeh teaches away from Applicants' invention as recited in Claim 8. Bayeh taught:

The first type of input is the data representing the query results 90' for the user's search request 80', formatted as an XML data stream 97 by the data servlet 83, as discussed above. The second type of input to the rendering servlet 85 is an Extensible Style Language ("XSL") style sheet 99.

Bayeh, Col. 9, lines 1 to 6. Only the rendering servlet uses the XSL style sheet and not the data servlet. Therefore, Bayeh teaches two different types of servlets and so fails to teach or suggest the "general partial filter adapter" of Claim 8 "in as complete detail as is contained in the claim," as required by MPEP § 2131, 8th Ed., Rev 2, at page 2100-73. Accordingly, Bayeh fails to anticipate Claim 8. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 8.

Claim 9 depends from Claim 8 and so distinguishes over Bayeh for at least the same reasons as Claim 8. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 9.

Claim 10 includes limitations similar to Claim 1 and so the above remarks with respect to Claim 1 are incorporated herein by reference. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 10.

Claim 13 includes selecting one data format from at least two data formats supported by a process. Thus, the above comments with respect to Claim 3 are also applicable to Claim 13 and are incorporated herein by reference. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 13.

Claims 15 to 17 depend from Claim 13 and so distinguish over Bayeh for at least the same reasons as Claim 13. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 15 to 17.

Claim 18 includes limitations similar to Claim 8 and so the above remarks with respect to Claim 8 are incorporated herein by reference. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 18.

Claim 19 depends from Claim 18 and so distinguishes over Bayeh for at least the same reasons as Claim 18. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 19.

With respect to the anticipation rejection of Claim 20, Bayeh fails to suggest or teach the novel filter server with the elements recited in Claim 20. Accordingly, Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 20.

Claim 21 includes limitations similar to Claim 3 and so the above remarks with respect to Claim 3 are incorporated herein by reference. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 21.

Claim 24 stands rejected as anticipated for the same reasons as Claim 1. However, Claim 1 did not include the selecting and comparing operations of Claim 24. Therefore, the

rejection itself demonstrates that Bayeh fails to teach the elements recited in Claim 24 "in as complete detail as is contained in the claim," as required by MPEP § 2131, 8th Ed., Rev 2, at page 2100-73. Accordingly, Bayeh fails to anticipate Claim 24. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 24.

Claims 7, 17, 22 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bayeh in view of Garshol, "Free XML Software," (12/15/1999).

Assuming arguendo the combination of references is correct and the Examiner's interpretation of the secondary reference is correct, the additional information cited by the Examiner fails to overcome the basic deficiencies of Bayeh as noted above for the claims upon which each of Claims 7, 17, 22 and 23 depend. Therefore, Applicants request reconsideration and withdrawal of the obviousness rejection of each of Claims 7, 17, 22 and 23.

Claims 1, 3, 5, 7 to 10, 13, and 15 to 24 remain in the application. Claims 1, 3, 5, 8, 10, 13, 15, 18, 20, 21, and 24 have been amended. Claims 2, 4, 6, 11, 12, and 14 were canceled. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 26, 2004.



Attorney for Applicant(s)

October 26, 2004
Date of Signature

Respectfully submitted,



Forrest Gunnison
Attorney for Applicant(s)
Reg. No. 32,899
Tel.: (831) 655-0880